

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

THE UNITED STATES OF AMERICA : Case No. 5:18-CR-48(TES)-CHW
VS. : July 26, 2018
THOMAS H. SACHY : Macon, Georgia
Defendant

TRANSCRIPT OF MOTION HEARING
BEFORE THE HONORABLE CHARLES H. WEIGLE,
UNITED STATES COURT MAGISTRATE JUDGE

APPEARANCES:

FOR THE GOVERNMENT: SHANELLE BOOKER, AUSA
UNITED STATES ATTORNEY'S OFFICE
P. O. BOX 1702
MACON, GA 31202-1702

FOR THE DEFENDANT: FRANK HOGUE
LAURA HOGUE
HOGUE, HOGUE, FITZGERALD & GRIFFIN
341 THIRD STREET
MACON, GA 31201

TAMMY W. DIROCCO, USCR
P.O. BOX 539
MACON, GA 31202-0539
(478-752-3497)

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1 July 26, 2018

2 10:00 a.m.

3 THE COURT: Today is July 26, 2018. We are here
4 this morning in case 5:18-cr-48 in the matter of United States
5 versus Thomas H. Sachy.

6 This is a continuation of our hearing on
7 government's motion for detention. Of course the parties have
8 filed written motions. I have reviewed both of those and I do
9 understand and appreciate the government's argument that under
10 the statute reopening a hearing is normally something that's
11 only done when there is new evidence that wasn't available at
12 the time of the hearing. Nevertheless I'm not convinced that
13 there is, but I thought that it an abundance of caution I
14 would prefer to give the defendant the opportunity to be heard
15 further. Of course, I talked about that at our previous
16 hearing.

17 So I am going to hear further from the defense here.
18 And what I propose is to let the defense go first since -- I
19 won't say who has the burden here, but I've already entered my
20 order and you're asking me to reconsider it. So, unless the
21 government has any objection to that I would probably like to
22 hear from the defense first.

23 Ms. Booker?

24 MS. BOOKER: I don't have an objection to the
25 defense going first but I do have an objection to the fact

1 that we are reopening the evidence for the reasons that were
2 stated in my brief. Your Honor, the filing that Dr. Sachy
3 filed there was nothing new that was not known to the Court at
4 the time of the hearing -- that was not known to Dr. Sachy at
5 the time of the hearing. And I will make note that Your Honor
6 took a couple of breaks wherein if they were considering this
7 information they could have called Your Honor back to the
8 bench prior to you making your ruling and place whatever
9 additional evidence that they cited in their brief at that
10 time, but they chose not to do it.

11 So, I believe that the government met its burden,
12 followed all of the procedures outlined in 3142(f) and
13 3142(g). And now that Your Honor has made its ruling the
14 defense is getting a second bite of the apple when the proper
15 procedure is to file an appeal with the District Court which
16 is what should be done here, Your Honor.

17 THE COURT: Well, I understand that argument. Of
18 course, it's the argument you made in your brief, as well, and
19 I did review that.

20 But nevertheless I do want to give the defense the
21 opportunity to present whatever evidence they have today. So
22 I will overrule that objection.

23 MR. HOGUE: Your Honor, before we begin my law
24 partner, Ms. Hogue, is going to take the lead in this hearing.

25 But would you stand briefly. (directing Dr. Sachy)

1 Would you ask the courtroom security if they could remove the
2 handcuffs so that Dr. Sachy can participate in the hearing
3 with note taking rather than whispering in my ear. I would
4 prefer my clients to be able to write their notes and he would
5 like to participate but he can't do it with his handcuffs like
6 this.

7 THE COURT: What's the government's position on
8 that?

9 MS. BOOKER: I think that is more of a court safety
10 issue. I don't want to step in as to what court security and
11 the Marshals usually have for their inmates, but if he wants
12 to write that's fine with me, but if court security feels like
13 it's an issue I will leave that in their discretion, Your
14 Honor.

15 THE COURT: Well, I talked to the Marshals service
16 about that issue before coming in here. They mentioned to me
17 that you had raised that concern. I know it's ordinarily a
18 policy of the Marshals service to -- in these proceedings for
19 security reasons -- to keep the defendants in restraints.
20 Generally I don't like to interfere with the security policies
21 of the Marshals service. We don't have a jury here. I'm not
22 so much concerned about the prejudice issues about the
23 restraints, but I am going to allow Dr. Sachy to have the
24 handcuffs removed.

25 MR. HOGUE: Thank you, Your Honor.

1 MS. HOGUE: While all that's going on, Your Honor,
2 do you mind if I pull this back? Does it move?

3 THE COURT: I don't know if you can. It's kinda
4 rooted by the microphone there.

5 MS. HOGUE: I will adjust.

6 THE COURT: This courtroom is not as nice as the old
7 one and we're getting a little echo up here.

8 I know the podium is -- I'm more comfortable with
9 the podium too, so I certainly appreciate that. But I would
10 ask that you make sure the microphone is kind of oriented
11 towards you so the court reporter can get everything in the
12 recording.

13 MS. HOGUE: I'm rarely not heard. So you let me
14 know.

15 Are you ready for us to begin?

16 THE COURT: Yeah.

17 MS. HOGUE: I appreciate the opportunity, Your
18 Honor, to correct the record and shed light on some of the
19 facts that were presented in the initial motion in support of
20 the government's detention requests.

21 And I appreciate the opportunity in hopes of
22 persuading you that Dr. Sachy does not pose a danger to any
23 member of the community and he is not a flight risk and that
24 therefore there are conditions or combinations of conditions,
25 pursuant to the statute, that will assure the Court that

1 Dr. Sachy will not flee and that he will not harass,
2 intimidate or harm anyone in the community.

3 I will try to keep the presentation of evidence
4 pretty much in line with the four factors that the Court
5 relied upon, the factual basis for your decision to order
6 detention.

7 Obviously the ten year plus felony is an
8 uncontroverted fact, it's been indicted and we'll now proceed
9 to the factual basis.

10 The firearms, the digital file regarding
11 investigators, and the general category of Dr. Sachy's
12 finances, and the issue of the investment in Calgary.

13 So to begin I would want to -- just to make sure
14 that the record is sound, I want to tender the four exhibits
15 that are 1, 2, 3, 4 in the motion to reconsider.

16 MS. BOOKER: That's fine.

17 MS. HOGUE: And they are marked 1, 2, 3, 4 just as
18 they are in the motion to reconsider. And those are the
19 incident reports relating to the individual who was arrested
20 in 2017 outside of the clinic, Dr. Sachy's clinic, after
21 reports had been made that this individual was harassing and
22 intimidating patients by trying to buy their meds.

23 The way that the clinic responded was to immediately
24 call in law enforcement. Law enforcement interviewed those
25 witnesses who identified this individual, Mr. Duck, as someone

1 who had been trying to buy their pills and they had refused.

2 When they arrested Mr. Duck they found in his truck
3 two unregistered firearms, which was terrifying obviously to
4 all of the folks who were at the scene. And there are three
5 reports, the seizure of those firearms, and the incident
6 report concerning the event.

7 And then Exhibit Number 4 is a summary and a
8 narrative of an incident in which the police were called
9 another time about a patient who had become assertive,
10 aggressive, and intimidating to the staff when she had been
11 told that she was not entitled to more medication and
12 Dr. Sachy refused to prescribe for her and she was asked to
13 leave.

14 Next, Your Honor, I called Ken Morrow to the stand.

15 COURTROOM DEPUTY: Do you solemnly swear that the
16 testimony you're about to give is the truth, the whole truth,
17 and nothing but the truth, so help you God?

18 THE WITNESS: I do.

19 KEN MORROW

20 Whereupon, witness having been duly sworn,

21 testified as follows:

22 DIRECT EXAMINATION

23 BY MS. HOGUE:

24 Q Officer Morrow, I want to orient you to the topic
25 that we're on right now, the five firearms that you testified

1 were found in various places at the clinic at the day of the
2 seizure, the search and seizure. And I want to ask you a few
3 questions about those.

4 No one at the clinic was a convicted felon?

5 A No, ma'am.

6 Q And there are guns that have certain characteristics
7 that make them illegal in and of themselves; is that right?

8 A Yes, ma'am.

9 Q The kind of gun that they are, say an automatic
10 weapon, illegal in and of itself?

11 A Yes.

12 Q And there are guns that can be illegal because of
13 additions or subtractions made to them making them smaller or
14 modifying them in some way?

15 A True.

16 Q There are guns that can have things stuck on them
17 like bump stocks that are either now or soon will be illegal?

18 A Yes.

19 Q None of the guns you found were illegal in and of
20 themselves?

21 A No, ma'am.

22 Q And when you were involved in this case, Officer
23 Morrow, you were the lead investigator?

24 A Yes, ma'am.

25 Q You had other investigators working with you on the

1 case?

2 A Yes.

3 Q And other officers and law enforcement officers
4 working for you in the case?

5 A No, ma'am. Our group was the only people working
6 this case. There were no other agencies working for us.

7 Q You have people that are at your same level -- I
8 mean, or you would say, he and I are the coinvestigators on
9 this case, and then there are people that are lower in rank in
10 your agency; is that right? And also do some work on these
11 cases?

12 A Our group at the DEA is set up with special agents
13 and task force officers. We all have various responsibilities
14 in what we do with the cases. But by and large I would
15 consider us all relatively equal with the exception of special
16 agents are employed directly by the DEA and task force
17 officers are assigned to the DEA.

18 Q So as the lead investigator -- because everybody
19 when you have a group, even if you're all of the same rank
20 working together, somebody's going to be the lead. I'm the
21 lead in this hearing today. Is that fair enough to say?

22 A (No verbal response).

23 Q So as the lead it's your responsibility to gather
24 the records of all of the officers involved in the case?

25 A I make sure that they are put in our database.

1 Q And you review those to incorporate them into your
2 own findings?

3 A By and large, yes. I will say I have not reviewed
4 every single document in this case. Most of them, yes.

5 Q If there were a report that ran counter to the
6 theory in your case you would expect an officer to bring that
7 to your attention and say, "You need to take a look at this
8 one. This is something that is changing the direction of this
9 case."

10 A I would hope that would be the case, yes, ma'am.

11 Q And you keep records. You maintain reports. You
12 identify the work that you do by writing it down or typing it?

13 A Yes, ma'am.

14 Q You try to do those records close in time to the
15 event that you are reporting?

16 A Yes, ma'am.

17 Q You interview a witness and you want to get that
18 information down while it's still fresh?

19 A When possible, absolutely.

20 Q And you expect that of the other agents that were
21 working on the case too?

22 A I would hope they would do that, yes, ma'am.

23 Q Then after you've got it all done you then make a
24 copy of it and you give it to the prosecutor in this case. In
25 this instance, Ms. Booker?

1 A We would batch it, yes, ma'am. We wouldn't give
2 them piece by piece. But probably within six months or so we
3 would bring over something for her to review, yes.

4 Q And you do that before she presents a case to the
5 grand jury?

6 A By and large, yes. Ms. Booker has not seen every
7 report at this time, no.

8 Q But the information upon which the grand jurors
9 needed to rely came from you to Ms. Booker and then from Ms.
10 Booker to the grand jury?

11 A I believe so.

12 Q You do the same thing with a search and seizure of
13 items. You document what happens during a search, the
14 execution of a search warrant?

15 A Yes.

16 Q And so do the other people that are on the search?

17 A They do.

18 Q And when you seize anything, when you take anything
19 you have a method for recording that?

20 A Yes.

21 Q The five firearms that you identified as having
22 found at Dr. Sachy's clinic were seized?

23 A Yes.

24 Q You followed the procedure to record what firearm
25 was taken?

1 A Yes.

2 Q Serial number of that firearm and a description of
3 the type of the gun it was?

4 A Yes.

5 Q And where it was located?

6 A Yes.

7 Q Even if you didn't personally find that firearm, you
8 expected that the officer who did find it to do that; to write
9 down what the gun was and where it was found?

10 A Yes, ma'am.

11 Q And another important characteristic of what you're
12 looking for, as you are taking a firearm into custody, is
13 whether the firearm was loaded or unloaded?

14 A That's correct.

15 Q You would have made that notation on your record?

16 A Not necessarily on my records, but somebody would
17 have. Whoever seized it should make that notation, yes,
18 ma'am.

19 Q And that would have been the stuff that you would
20 have provided to Ms. Booker as well, concerning the search and
21 seizure?

22 A Yes.

23 Q You testified at the motion for detention hearing
24 that there was a firearm in the reception area right at the
25 front window in a cabinet. Do you recall saying that?

1 A Yes, ma'am.

2 Q And do you recall that being the case?

3 A As I understand where it was found -- I was not
4 physically present at the time that it was found. But it's my
5 understanding that it was located in that front reception area
6 in a cabinet.

7 Q I want to show you -- you did walk around the clinic
8 and you're familiar with the clinic itself?

9 A Briefly. I couldn't tell you exactly where
10 everything was. I spent very little time in the clinic
11 actually.

12 Q But you were comfortable enough to testify about the
13 reception area and the location of the firearm that someone
14 else found?

15 A I was told where it was found, yes, ma'am.

16 Q I want to show you what I've marked as Defendant's
17 Exhibit Number 5. Do you recognize that as the reception area
18 of the clinic? And I understand there is writing on this
19 document.

20 A Yes, ma'am. That looks like the reception area.

21 Q The reception area has a window that looks out into
22 where the patients would sit?

23 A Yes, ma'am, it does.

24 Q You see that?

25 A Uh-huh (affirmative).

1 Q And you see where there is an L-shaped table where
2 one would assume the receptionist would sit?

3 A Yes, ma'am.

4 Q And what you understand is that the firearm in the
5 reception area was located in a cabinet?

6 A Yes.

7 Q You also understood that the gun that was found in
8 the reception area was different than the other guns in that
9 it was a much older gun?

10 A That's correct.

11 Q And you also know that that gun was not loaded?

12 A Yes. I have been told it was not loaded.

13 MS. HOGUE: Your Honor, would you like me to pass a
14 copy of the exhibits to you as well, Your Honor?

15 THE COURT: Whatever works for you is fine. If
16 you've got two copies, I'll take one.

17 Any objection from the government?

18 MS. BOOKER: No, Your Honor.

19 MS. HOGUE: I tender number 5. I don't believe I
20 did that.

21 THE COURT: Any objection?

22 MS. BOOKER: No, Your Honor.

23 THE COURT: It's admitted.

24 (Defendant's Exhibit # 5 was admitted)

25 ///

1 BY MS. HOGUE:

2 Q You also testified about a firearm that was found in
3 Dr. Sachy's -- in his desk? Under his desk, I believe?

4 A On the side of his desk, yes, ma'am.

5 Q On the side of his desk. And you said that that was
6 an exam room?

7 A Yes, ma'am. There is an exam table in there and I
8 understand that exams take place in there, yes, ma'am.

9 Q And at first that sounded kind of -- we had to look
10 into that. The examination room is also Dr. Sachy's office,
11 as far as you can tell from looking at it. It has a desk on
12 one side of it and an examination table on the other.

13 A Okay. Yes.

14 Q Is that how you recall it?

15 A Yes. There is an exam table in the same room that
16 his desk is there, yes.

17 Q So, for example, if one were doing psychiatry one
18 could be sitting at the desk talking to patients in those
19 chairs or if one were conducting a physical exam one could
20 walk across the room and conduct an examination on the other
21 part of that room?

22 A Yes.

23 Q And finally, Officer Morrow, you testified about the
24 information that was on the external hard drive found in a
25 satchel belonging to Dr. Sachy. That you understood belonged

1 to Dr. Sachy?

2 A Yes, ma'am. There were four external hard drives in
3 that satchel.

4 Q And in one of those external hard drives there was
5 information on you, another investigator and photographs --
6 we'll just call it the digital folder. How about that? Do
7 y'all understand what we're talking about here?

8 A Yes, ma'am. There were actually two external hard
9 drives that contained relatively the same information, so I
10 don't know if one was copied onto another one. But our
11 personal information was actually on two external hard drives
12 located in the satchel with a firearm.

13 Q Two of the hard drives with that folder that were
14 virtually the same?

15 A Correct.

16 Q Then you testified that there were not only images
17 that appeared to come from social media, from Facebook?

18 A Uh-huh (affirmative).

19 Q Yes?

20 A Yes.

21 Q And images of you sometimes with your wife or
22 another woman in the photograph?

23 A No, ma'am. Not my wife, Officer Vickery's wife.

24 Q Is it Vicker or Vickery?

25 A Vickery.

1 Q Vickery. Thank you.

2 And then you testified that there were also profiles of
3 some identifying information about you?

4 A That's correct.

5 Q And your testimony was -- and I'm referring to
6 page 21 of the transcript -- it appears that Dr. Sachy paid
7 for an information service to get home addresses and phone
8 numbers. That's what you testified to. Is that what you
9 still believe today?

10 A No, ma'am. I do not believe that today.

11 We actually researched a little more on that. I believe
12 that when I testified that the information came from Spokeo,
13 which we looked up and as you get into Spokeo you put
14 somebody's name in there and it gives you so much and then you
15 have to pay for additional information. We were actually able
16 to find what I believe is information that Dr. Sachy looked up
17 on myself and my wife on an open-source through a website
18 called People Finder.

19 Q And that source does not require anyone to pay?

20 A No, ma'am, you just search. You search a name, yes.

21 Q When did you realize that your testimony was in
22 error? Not purposefully, I understand that. That you were
23 wrong? When did you come to that realization?

24 A Actually yesterday when we had time to do a little
25 more research.

1 Q That you discovered that this was not a paid
2 information service, but instead an information -- a public
3 record information gathering service that you can access for
4 free?

5 A It was disturbing nonetheless, but yes, ma'am.

6 Q And I have no doubt about that. But I want to
7 clarify what you had testified to; is that it was something
8 that was purchased and you now have discovered that it was
9 not?

10 A That's correct.

11 Q Do you know whether anyone had made any attempts,
12 before this hearing, to let Judge Weigle know that your
13 testimony was wrong?

14 A No, ma'am. I'm not aware of that.

15 Q And the public information -- the information that
16 we're talking about -- I'm going to show you what I've marked
17 as Defendant's Exhibit 6. This is the kind of thing that was
18 on there. Not the kind of thing, that's the thing that was
19 your public information?

20 A Yes, ma'am, that's correct.

21 MS. HOGUE: And I'm going to hand this up to the
22 Court.

23 BY MS. HOGUE:

24 Q That you now know anyone right now could get on
25 their phone and access as well?

1 A Correct.

2 Q And you would agree that the only way that a person
3 could get photographs of you or your -- the other agent
4 involved in the case off of Facebook is if someone did not
5 secure their Facebook access?

6 A That's correct.

7 MS. HOGUE: I have no more questions. Thank you.

8 MS. BOOKER: Your Honor, can I just make a couple of
9 notes for the record before I begin.

10 For Defendant's Exhibit 5 I know that I did not
11 object to the actual picture, but I do object to the
12 depictions, the writing on the picture.

13 Agent Morrow testified that he did not know about
14 the writing but he was familiar with the actual picture of the
15 clinic itself. So I don't mind the exhibit being admitted but
16 not the writing thereon.

17 THE COURT: Well, I'll just consider that for what
18 it is. I know that writing is not actually on the wall in
19 that office.

20 MS. BOOKER: Right. I just wanted to note it for
21 the record, Your Honor.

22 And then for purpose of the record Agent Vickery's
23 name is spelled, V-I-C-K-E-R-Y.

24 Your Honor, may I approach?

25 THE COURT: Yes.

1 CROSS EXAMINATION

2 BY MS. BOOKER:

3 Q Agent Morrow, I'm handing you what's going to be
4 marked as Government's Exhibit 9. This is a composite
5 exhibit. Do you recognize Exhibit 9?

6 A Yes, ma'am. Those were the firearms located at the
7 clinic.

8 Q Is that a true and accurate depiction of the
9 firearms as they were located at the clinic on the date of the
10 search of this case?

11 A (No response).

12 Q Is that a true and accurate depiction of the
13 firearms as they were located at the clinic?

14 A The firearms that are depicted on the third and
15 fourth picture from Hamilton and Ennis are located in their
16 purses, I believe. The fifth firearm, the revolver in the
17 front desk, those are just being held up. So they are not
18 actually being depicted where exactly they were found.

19 Q Let's start with page 1. Can you describe page 1 of
20 this exhibit?

21 A Yes, ma'am. Page 1 is the firearm that was located
22 in the satchel belonging to Dr. Sachy that also contained the
23 four external hard drives. The firearm was in with the hard
24 drives.

25 Q And then let's go to page 2. Can you describe what

1 that is?

2 A This is a firearm that was hanging on a hook right
3 as Dr. Sachy would sit at his desk on the right side. Where
4 you could put your hand down by your thigh was a loaded
5 firearm just hanging on the hook.

6 Q Page 3?

7 A The Taurus was in Ms. Hamilton's purse, I believe.

8 Q You all attribute this firearm to Ms. Hamilton and
9 not Dr. Sachy, correct?

10 A Correct.

11 Q Page 4?

12 A Is a firearm belonging to Ms. Ennis, also located in
13 her purse I'm told.

14 Q You attributed that to Ms. Ennis and not Dr. Sachy,
15 correct?

16 A That's correct.

17 Q And finally page 5?

18 A Is a revolver in the front office of the reception
19 area.

20 Q And is this the same revolver that you just
21 testified about with Ms. Hogue when she was pointing out
22 Defendant's Exhibit 5 that was in that cabinet?

23 A That's correct.

24 MS. BOOKER: Your Honor, I would like to move to
25 admit Government's Exhibit 9 at this time.

1 MS. HOGUE: No objection.

2 THE COURT: Admitted.

3 (Government's Exhibit # 9 was admitted.)

4 BY MS. BOOKER:

5 Q Ms. Hogue also talked about the corrected
6 information as to what was found on Dr. Sachy's hard drive in
7 terms of the personal information related to you and your
8 wife. You informed me of that yesterday, as you testified, is
9 that correct?

10 A That's correct.

11 Q Did we discuss any plans to make the Court aware of
12 that today during this hearing?

13 A Yes, we did.

14 Q Were there any attempts to hide the ball?

15 A Absolutely not.

16 Q And whether or not this information was paid for, it
17 went beyond just information about you, the investigating
18 officer? Was there information about your family members
19 outside of your wife?

20 A Outside of my wife? No. Outside of Clarke's wife?
21 Yes.

22 Q On that Defendant's Exhibit 6 there are also other
23 family members listed. Are those your actually family
24 members?

25 A Excuse me. Yes, those are my family members.

1 Q And those were found on the hard drive. Were they
2 found like in a browser? Would somebody have to copy and
3 paste that? How were these items found to be on the hard
4 drive?

5 A They were in individual folders.

6 Q I'm showing what's been marked as Government
7 Exhibit 5. Do you recognize this item, Agent Morrow?

8 A Yes, ma'am, I do.

9 Q What is that?

10 A Those are pictures of children.

11 Q Is this also a composite exhibit; meaning it has
12 more than one page?

13 A Yes, ma'am.

14 Q So on page 1 what does it show?

15 A Four young children.

16 Q On page 2?

17 A Two children.

18 Q On page 3?

19 A Two children.

20 Q Page 4?

21 A It looks like two more children.

22 Q And page 5?

23 A The same picture except it doesn't have "Happy
24 Thanksgiving" on it with the two children.

25 Q Do you know whose children these are?

1 A They are Officer Clarke Vickery's grandchildren.

2 Q And is he an Investigating Officer on this case?

3 A Yes.

4 Q And where were these pictures found?

5 A These were found in file folders located on two
6 external hard drives belonging to Dr. Sachy.

7 Q And is Clarke Vickery and/or any other adult
8 pictured in these photos?

9 A No, ma'am, not in these folders.

10 MS. BOOKER: At his time I'd move to admit
11 Government's Exhibit 5.

12 MS. HOGUE: No objection.

13 THE COURT: It's admitted.

14 (Government's Exhibit # 5 was admitted.)

15 MS. BOOKER: Just as I did in the last hearing, I
16 have a redacted version as well as an unredacted version. I
17 would like the redacted version -- if we have to put it on the
18 record I would like the redacted version to be put on the
19 record, but I have the original for Your Honor to view without
20 the redactions as well.

21 BY MS. BOOKER:

22 Q I'm showing the witness what's been marked as
23 Government's Exhibit 6.

24 Agent Morrow, do you recognize Government's Exhibit 6?

25 A Yes, ma'am, I do.

1 Q Is that also a composite exhibit?

2 A It is.

3 Q Consisting of two pages?

4 A Yes.

5 Q What's on the first page?

6 A First page is my information, Ken R. Morrow, the
7 city I live in, phone number, address, previous locations and
8 relatives.

9 Q Is this the same information that was included in
10 Defendant's Exhibit 5 that Ms. Hogue showed you a moment ago?

11 A That's correct.

12 Q What about the second page of the exhibit?

13 A The second page is my wife's information, the city
14 where she lives, where I live, relatives, our home phone
15 number, a partial e-mail address, our address, and the
16 previous locations where she has lived.

17 Q And where was this information found?

18 A On a separate file folder next to mine on external
19 hard drives.

20 Q So was this also downloaded onto Dr. Sachy's hard
21 drive?

22 A It was.

23 Q Is that a true and accurate depiction as it was
24 found on Dr. Sachy's hard drive?

25 A Yes, ma'am.

1 MS. BOOKER: Your Honor, at this time, I move to
2 admit Government's Exhibit 6 with the same caveat that there
3 is a redacted version and an unredacted version.

4 MS. HOGUE: No objection.

5 THE COURT: It's admitted.

6 (Government's Exhibit # 6 was admitted.)

7 THE COURT: What I'm going to do, unless there's any
8 objection from the parties, would be to enter the redacted
9 versions in the record and let the parties hold onto the
10 unredacted versions rather than file them under seal. I just
11 can't imagine any objection to that.

12 MS. HOGUE: No objection.

13 MS. BOOKER: No, Your Honor. Thank you.

14 BY MS. BOOKER:

15 Q Was there also additional information that was found
16 on Dr. Sachy's hard drive?

17 A Yes, ma'am.

18 Q Any information that would go to whether or not he's
19 a danger to the community?

20 A Absolutely.

21 Q What information was that?

22 A There were multiple pictures of gruesome violence,
23 beheadings, videos, war videos, extensive pornography,
24 personal information on multiple -- they were taped
25 conversations of other officers. There was actually a

1 surveillance video. I don't know if it was done by Dr. Sachy
2 or a private investigator, but somebody being surveilled,
3 unbeknownst to them, at their house. They were driving
4 around. And I might add --

5 MS. HOGUE: Your Honor, I have to object. An idea
6 of somebody videotaping -- I'm not sure, first of all, that
7 this goes to any issue of violence. If we don't know who the
8 videotape is of, when it was taken, what's the point of it?
9 Just the idea that somebody has a videotape of somebody else.
10 I think this is getting far afield.

11 I realize that the rules of evidence are relaxed,
12 but this is getting a little dangerously close to making
13 inferences that resulted in the kind of conclusion the Court
14 was left with, just a few weeks ago, that Dr. Sachy had paid
15 an information service by saying "I believe this is what
16 happened."

17 So I think we need to hold Officer Morrow to a
18 little higher standard in this evidence that he's presenting,
19 this testimony.

20 MS. BOOKER: Your Honor, Officer Morrow just
21 testified that he doesn't know who is in the video but that
22 there were surveillance of people on there. He's just stating
23 the fact that there was surveillance of some people on
24 Dr. Sachy's hard drive. We can stay away from the
25 surveillance if Your Honor prefers.

1 I can go back to the depictions of violence which
2 goes directly to whether or not he's a danger to the community
3 as opposed to the pure surveillance.

4 THE COURT: Well, without having the video for me to
5 look at -- I might like some more detail about what we are
6 talking about exactly. I don't really understand what this
7 video is of. Is there more than one?

8 MS. BOOKER: I'll move on to the depictions of
9 violence, Your Honor.

10 THE COURT: Then I'll sustain the objection on that
11 issue then.

12 MS. BOOKER: I'm showing Officer Morrow what's been
13 marked as Government's Exhibit 7 first.

14 BY MS. BOOKER:

15 Q Do you recognize that item, Agent Morrow?

16 A I do.

17 Q Is that also a composite exhibit?

18 A It is.

19 Q And what is on page 1 of that exhibit?

20 A It's a person who's head has been partially severed.

21 Q And what about page 2 of that exhibit?

22 A Is somebody deceased on a street with their body
23 parts all over the place.

24 Q At page 3 of that exhibit?

25 A It looks like a corpse that has had a bullet hole

1 right in it's forehead.

2 Q And where were those pictures found?

3 A These are some of the violent images located on the
4 external hard drives.

5 Q And is that a true and accurate depiction of the
6 images as they were found on Dr. Sachy's hard drive?

7 A They are.

8 MS. BOOKER: Your Honor, I move to admit
9 Government's Exhibit 7 at this time. I also have a redacted
10 version for the Court.

11 MS. HOGUE: I object, Your Honor. There's no
12 relevance to these photographs. When we're talking about the
13 crime that Dr. Sachy is accused of and trying to suggest that
14 someone who has gathered photographs, for purposes we'll be
15 able to certainly explain, has some relationship to being a
16 violent person.

17 MS. BOOKER: Your Honor, this isn't going to the
18 crime. It's going directly to the factors under 3142(g)
19 whether or not he's a danger to the community and whether or
20 not his release poses a risk to others and whether or not
21 there are any conditions that will reasonably assure the
22 community that they will be safe.

23 The fact that he has these -- and I'm going to argue
24 this later, but the fact that he has these depictions of
25 violence goes directly to that factor, Your Honor.

1 THE COURT: Well, I'm going to overrule the
2 objection. I think they are relevant, but the weight that is
3 to be given to them is another issue. Of course they were
4 mentioned at the previous hearing as well. I didn't see them.
5 I'm not sure I want to see them now.

6 MS. BOOKER: They are admitted, Your Honor?

7 THE COURT: They are admitted.

8 (Government's Exhibit # 7 was admitted.)

9 MS. BOOKER: Agent Morrow he has both 7 and the
10 redacted version 7-R.

11 THE COURT: All right.

12 MS. BOOKER: And I recognize these images are
13 disturbing, Your Honor, but I felt it necessary to show the
14 Court exactly what we are talking about.

15 BY MS. BOOKER:

16 Q Agent Morrow, can you go to Government's Exhibit 8.

17 A Yes, ma'am.

18 Q Do you recognize that item?

19 A I do.

20 Q What are those items?

21 A This is a picture of a soldier with a flame thrower
22 with a caption saying "Just Watering My Muslims."

23 Q Let me back up. Is that also a composite exhibit?

24 A It is.

25 Q Consisting of multiple pages?

1 A It is.

2 Q And you just described the Muslim comment that was
3 on page 1 of that exhibit?

4 A Yes.

5 Q What is on page 2?

6 A Page 2 is soldiers standing in front of a man that
7 is bloodied and has his face blacked out, looks like something
8 from Iraq or Afghanistan.

9 Q Page 3?

10 A It appears to be a Muslim woman, half buried,
11 crying. I'm assuming she's getting ready to be stoned in their
12 culture.

13 Q Page 4?

14 A This is a soldier posing with, looks like, Saddam
15 Hussein's corpse.

16 Q Page 5?

17 A Iraqi prisoner of war with his head covered and a
18 soldier standing around him.

19 Q Page 6?

20 A Possibly another Muslim with soldiers standing
21 around him and has a gun pointed to his head.

22 Q Where were those items found?

23 A These were all located on the external hard drives
24 of Dr. Sachy's that were found in Sachy's bag.

25 Q Is that a true and accurate depiction of the photos

1 as they were found on Dr. Sachy's hard drive?

2 A It is.

3 MS. BOOKER: Your Honor, at this time I move to
4 admit Government's 8.

5 MS. HOGUE: I stand by my objection, Your Honor.
6 This is just to inflame you. There's no other purpose for it.

7 THE COURT: Well, I do think it's relevant. I agree
8 that it is inflaming, but I think it is relevant to what we're
9 talking about here so I will admit it.

10 (Government's Exhibit # 8 was admitted.)

11 BY MS. BOOKER:

12 Q And Ms. Hogue mentioned the fact that there was an
13 incident, at least one other time, wherein the Sachy's had to
14 call the police on a person who was attempting to get drugs
15 and there were charges filed against that person. That person
16 was attempting to get drugs outside of the clinic?

17 A Yes, ma'am.

18 Q Were you aware of these other incidents or incidents
19 such as this at Dr. Sachy's clinic?

20 A I've heard of that incident, yes.

21 Q And how do these incidents usually happen?

22 MS. HOGUE: Objection, Your Honor. How do these
23 incidents usually happen? We have an incident report that is
24 in evidence. Unless Officer Morrow was a part of that
25 investigation he really can't talk about how things like this

1 usually happen.

2 THE COURT: You do need to rephrase that question.

3 I'm not sure I understand what you're asking him.

4 MS. BOOKER: I will rephrase the question. But
5 Officer Morrow just testified that he was aware of this and
6 other incidents at the clinic. So I was going directly to
7 these incidents occurring at the clinic. Outside of Mr. Duc,
8 in addition to the other incidents at the clinic wherein
9 people were doing these things and so over the course of this
10 investigation I'm sure that he has an explanation as to how
11 these happened.

12 THE COURT: Well see if you can ask him some more
13 specific questions. That question was pretty broad and I'm
14 not sure I would know how to answer that.

15 MS. BOOKER: I'll rephrase.

16 BY MS. BOOKER:

17 Q Over the course of your investigation, have you come
18 to familiarize yourself or be made aware of other incidents
19 related to similar activities as Ms. Hogue elicited as to
20 Mr. Duc, the person that was arrested in 2017?

21 A I am.

22 Q And what are those incidents?

23 A They are incidents of similar nature; unruly
24 patients, police being called. There was one instance where I
25 believe a guy was arrested in the parking lot and had drugs on

1 him and those types of things.

2 Q Can you describe the characteristics of these people
3 in terms of whether or not they had any type of addiction?

4 MS. HOGUE: Objection, Your Honor. He would be
5 going only by incident reports. And if Ms. Booker has those
6 incident reports, as I've read them, then she needs to tender
7 those instead of having this Officer guess about whether those
8 persons were on drugs, dependent on drugs, needed opioids, et
9 cetera.

10 MS. BOOKER: Again, Your Honor, he just said he
11 knows about this over the course of his investigation. So he
12 is testifying from his investigative experience in this
13 investigation.

14 THE COURT: I will allow him to testify to what he
15 knows.

16 BY MS. BOOKER:

17 A THE WITNESS: I interviewed one former patient who
18 was arrested in the parking lot who was addicted to heroin.
19 And I'm not sure how much you want to know about that
20 particular patient or former patient.

21 Q Were there other patients that exhibited these same
22 behaviors?

23 A Yes.

24 Q Was this common with Dr. Sachy's clinic, over the
25 course of your investigation?

1 A It is.

2 Q That you ran into people with these behaviors?

3 A Yes.

4 Q In addition to the behavior at the clinic, were
5 there any other behaviors or red flags that you noticed that
6 were indicative of pill mill behavior, over the course of your
7 investigation?

8 A Yes.

9 MS. HOGUE: Objection, Your Honor. We're now trying
10 the case. We're here answering questions about issues
11 concerning only risk of flight and danger to the community.
12 Whether Officer Morrow knows anything about the nature of the
13 patients in the clinic is irrelevant to this hearing.

14 MS. BOOKER: Your Honor, if Dr. Sachy is released
15 it's only fair to assume that he would go back to treating and
16 seeing patients at a clinic. Not necessarily one in Gray, but
17 another clinic or other medical settings.

18 THE COURT: Well, that's not necessarily fair to
19 presume that. I could impose a condition of release that he
20 not practice medicine.

21 MS. BOOKER: Well, this line of questioning goes in
22 support of my request for that specific condition.

23 THE COURT: I don't want to try the case. You know,
24 you can ask a couple of questions along that line. I think
25 I've got a pretty good flavor of those issues.

1 I will overrule the objection, but I don't want to
2 get real deep into this issue, Ms. Booker.

3 MS. BOOKER: Okay, Your Honor, I will move on.

4 BY MS. BOOKER:

5 Q Did you also find anything, over the course of your
6 investigation, to confirm or deny whether or not Dr. Sachy had
7 actually been held in contempt in Jones County related to his
8 abatement of court orders?

9 A Yes. That was confirmed.

10 Q And what did you find?

11 A There were court orders located in the hard drives
12 to that effect exactly that he was found in contempt of court
13 and ordered to be incarcerated.

14 Q And was he, in fact, incarcerated?

15 A He was.

16 Q And what was the purpose of that incarceration?
17 What was the reason he was held in contempt?

18 A For failing to turn over monetary amounts to his
19 ex-wife.

20 Q And what was that amount, if you recall?

21 A I believe it was in the neighborhood of \$980,000.

22 MS. BOOKER: I believe that's all that I have, Your
23 Honor.

24 THE COURT: Redirect.

25 MR. HOGUE: Your Honor, a brief redirect and I'm

1 going to conduct it because of the new information that has
2 just been presented that we haven't seen before. I'm sitting
3 next to Dr. Sachy who is writing me notes and so now I have a
4 few questions for the Officer about these exhibits.

5 REDIRECT EXAMINATION

6 BY MR. HOGUE:

7 Q Officer Morrow, what is the number of the exhibit
8 that has the photos of the guns in it?

9 MS. BOOKER: It's going to be 9.

10 MR. HOGUE: 9?

11 MS. BOOKER: Yes.

12 BY MR. HOGUE:

13 Q Exhibit 9 of photos 1 and 2 in Exhibit 9, those are
14 guns you have learned, through your investigation, belonged to
15 Dr. Sachy? Those are the two that he owned?

16 A The ATF traces have come back. I was not the
17 Officer in charge of receiving the traces back. So I cannot
18 directly testify as to who owned these firearms just that they
19 were located in his clinic on or around him at the time.

20 Q Okay. Number 1 is the one taken from his satchel.
21 Photo number 2 is the one of the gun hanging on the hook under
22 the desk?

23 A Yes, sir.

24 Q Now because you were the lead agent and you're
25 familiar with what your other officers were doing, you are

1 aware then and can tell the Judge that Dr. Sachy told the
2 agents where these guns could be found? Pointed them out and
3 said where they were?

4 A I was not in the room when Dr. Sachy was
5 interviewed.

6 Q But you don't have any basis to dispute that he told
7 agents "You can find these guns in these places?"

8 A No, sir, I cannot dispute that.

9 Q Now Exhibit 5, the photos of kids. Those are photos
10 taken from Facebook?

11 A Correct. Officer Vickery's wife's Facebook page.

12 Q And you've already said that it was public and
13 anyone could look at her Facebook page and see those photos,
14 right?

15 A Yes, sir.

16 Q Now Exhibit 7, which are the three graphic photos of
17 people in various gory states. You know that Dr. Sachy had --
18 first of all, he's a psychiatrist so he has some educational
19 background in neurology or neuroscience?

20 A Yes, sir, I understand that.

21 Q You know that his ex-wife, Melissa Sims, now Melissa
22 Sims Stanley, was then, at the time of their marriage, and is
23 still, a medical examiner. She conducts autopsies?

24 A Yes, sir, I'm aware of that.

25 Q And the third of the photos in this Exhibit 7 has a

1 woman who appears to have been shot in the forehead by a gun,
2 and on her chest is an identifier that says 2005-4002160 and
3 then the letters DOFS. Now, you're familiar, aren't you, that
4 that would be DOFS -- Division Of Forensic Sciences?

5 A Yes, sir, I'm aware of that.

6 Q A division of the GBI, right?

7 A Yes, sir.

8 Q Where Dr. Sims Stanley is employed?

9 A Yes, sir.

10 Q And 2005 would suggest to you that's the year of
11 this photo?

12 A Yes.

13 Q And the other numbers would be the case number,
14 right?

15 A Correct.

16 Q So you don't know whether Dr. Sims took this photo
17 and during their marriage left it on a computer that now
18 Dr. Sachy has? You don't know where it came from, do you?

19 A No, sir.

20 Q The same with the other two photos, the gory photos
21 of people who have been mutilated. You don't know where those
22 came from?

23 A I don't know where they came from. I only know that
24 he was in possession of them, yes, sir.

25 Q You don't know why he had them? You just know that

1 they were on his computer?

2 A I've not interviewed Dr. Sachy as to why he has
3 them, sir.

4 Q All right.

5 Now, Exhibit Number 8, that appears to have photos
6 connected to Muslims or Islams. You found these on his
7 computer? You personally?

8 A Our intel-analyst did the vast majority of -- there
9 are almost four terabytes of information on those between the
10 two external hard drives. So what we're looking at, sir, is
11 just what we could find after a couple hours of research.

12 Q But I suppose you're offering them today for the
13 purpose, we can infer, to show that Dr. Sachy is dangerous?

14 A Absolutely.

15 Q Because he has these photos?

16 A Yes, sir.

17 Q You know that the agent who found these found them
18 in a folder labeled book?

19 A I don't recall which folder they came out of, sir.

20 Q So you don't have the basis to dispute that? That
21 they came out of a folder labeled book?

22 A No, sir, I cannot dispute that.

23 Q You don't know then whether Dr. Sachy had collected
24 these in connection with a book he was working on on post 911
25 war on terror?

1 A No, sir, I don't know.

2 Q And the one "Just Watering My Muslims." You don't
3 know whether he found that or whether someone sent it to him,
4 do you?

5 A No, sir. I don't know where they came from.

6 Q Same with all these photographs, you don't know
7 whether he looked them up or some people sent them to him?

8 A I just know that they were on his hard drive.

9 Q That's all you know?

10 A (Witness nodding affirmatively.)

11 MR. HOGUE: That's all I have.

12 MS. BOOKER: I don't have anything further, Your
13 Honor.

14 But I would like to assemble Exhibit 9.

15 THE COURT: All right. I think these are the
16 redacted exhibits that were given to me.

17 MS. HOGUE: And while you're doing that, Your Honor,
18 I'm going to step out and make sure that my witnesses are
19 here.

20 THE COURT: Do you want to take a break for about
21 five minutes? We've been going for about an hour.

22 MS. HOGUE: Thank you.

23 THE COURT: Let's take about five minutes while
24 y'all get all that together.

25 CSO OFFICER: All rise.

1 (Recess at 10:54 AM)

2 (Reconvene 11:03 AM.)

3 CSO OFFICER: All rise. Please be seated and come
4 to order.

5 THE COURT: All right. Ms. Hogue, you can call your
6 next witness.

7 MS. HOGUE: Thank you, Your Honor. Pam Williamson.

8 COURTROOM DEPUTY: Do you solemnly swear that the
9 testimony you are about to give is the truth, the whole truth,
10 and nothing but the truth, so help you God?

11 THE WITNESS: I do.

12 COURTROOM DEPUTY: Would you state and spell your
13 name for the record, please.

14 THE WITNESS: Pamela Williamson. P-A-M-E-L-A
15 W-I-L-L-I-A-M-S-O-N.

16 PAMELA WILLIAMSON

17 Whereupon, witness having been duly sworn,
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MS. HOGUE:

21 Q Ms. Williamson, what do you do for a living?

22 A I'm a pharmacist.

23 Q Do you want to move the mike a little bit so that
24 you don't have to lean over. Is that better?

25 A Okay.

1 Q How long have you been a pharmacist?

2 A Since 1988.

3 Q And, just briefly, what is your educational and work
4 background?

5 A I'm a BS in pharmacy. I have owned my own store, my
6 father owned it. So I worked for him. And I have been a
7 staff pharmacist. I have been a PIC. I have been a district
8 manager. I've done a little bit of it all.

9 Q Do you know Dr. Sachy?

10 A Yes, I do.

11 Q How do you know Dr. Sachy?

12 A He is my brother's doctor.

13 Q About how long has your brother been seeing
14 Dr. Sachy?

15 A I know it's over ten years.

16 Q Why does your brother see Dr. Sachy?

17 A My brother is a chronic pain patient. He has a rod
18 in his leg. He's got a rod in his arm. His pelvis has been
19 rebuilt. Both hips have been replaced twice. He's got a
20 plate in his hand. He had rods in his back. They broke.
21 Yes, the titanium rods broke and it cut his muscles. He also
22 is bipolar and also with some delusional disorder.

23 Q Are you familiar with your brother's situation
24 because you're in contact with him regularly?

25 A Oh yes. He lives with me because he's totally

1 disabled.

2 Q Do you accompany him on his doctor's appointments?

3 A Yes, I do.

4 Q As a result of that, did you form a collegial
5 relationship with Dr. Sachy?

6 A Yes, I did.

7 Q Did you ever become aware of an investigation that
8 was going on against Dr. Sachy?

9 A Yes, I did.

10 Q How did you become aware of it?

11 A The DEA had gone to different pharmacies requesting
12 Dr. Sachy's records.

13 Q Did you ever discuss that with Dr. Sachy?

14 A Yes, I did.

15 Q In the course of discussing that with Dr. Sachy, did
16 you ever become aware of any images that Dr. Sachy had related
17 to those investigators?

18 A I don't understand the question.

19 Q Let me say it a different way. In discussing that
20 with Dr. Sachy, did he ever share with you or did you become
21 aware of any photographs, any pictures, that Dr. Sachy had
22 related to those investigators?

23 A Yes.

24 Q Were you aware of information that he had gathered
25 relating to those investigators?

1 A Some.

2 Q How did you become aware of those photographs?

3 A He showed them to me.

4 Q Why did that happen?

5 A We were discussing the agents that were causing his
6 patients griefs where they could not get their medicine
7 because certain pharmacies were not filling their
8 prescriptions. And so -- I would like to know what they
9 looked like and so he showed me.

10 Q Did he provide you with those -- allow you to take a
11 look at those photographs?

12 A Yes, he did.

13 Q And did it appear to you as if those were taken from
14 Facebook or could you figure out where they were taken from?

15 A It looked like it could be Facebook. I mean, it
16 looks like a Facebook picture.

17 Q Did he say anything to you about why he had those
18 photographs?

19 A Well, more or less he was trying to find out who was
20 trying to find out about him. Who had investigations on him.

21 Q Did he comment in any way about whether it was hard
22 or whether it was easy to figure out who was looking at him?

23 A He said it was easy. You could just go on Facebook
24 or the Internet and find out what he wanted.

25 Q In the course of discussing his feelings about being

1 investigated, did he ever say anything to you that suggested
2 that he wanted to harm these investigators?

3 A No.

4 Q Did he ever suggest anything to you about something
5 he wished to do with this information that might be harassing
6 or intimidating to those agents?

7 A No.

8 Q Have you ever heard, outside of the photographs,
9 outside of the images of the photographs that he had, did you
10 ever hear him suggest anything harmful that he wanted to do to
11 these agents?

12 A No.

13 MS. HOGUE: I have no more questions.

14 CROSS EXAMINATION

15 BY MS. BOOKER:

16 Q Dr. Williamson? Is it Doctor?

17 A No it's BS. I'm not a doctor.

18 Q Okay. Ms. Williamson, my apologies.

19 Did you also ask to see pictures of the children of the
20 investigating officers?

21 A No.

22 Q Did you ask about contact information or pictures of
23 their wives?

24 A No.

25 Q Did you ask about their personal information, such

1 as their home address, phone number or e-mail addresses?

2 A No.

3 Q Were you curious to see that information as well?

4 A No.

5 Q Are you familiar with whether or not Dr. Sachy has
6 any qualifications to treat chronic pain?

7 A Yes.

8 Q What qualifications are those?

9 A He has a medical degree. He's also a psychiatrist.

10 Q Does that go to whether or not he can treat chronic
11 pain, him being a psychiatrist?

12 A If you're an MD and you've had -- and you're in
13 psychiatry, you have specialized in psychiatry, yes, you
14 should be able to treat chronic pain.

15 Q Are you aware that there is a separate certification
16 for pain management and that Dr. Sachy does not have that?

17 A No, I'm not.

18 MS. BOOKER: Thank you.

19 MS. HOGUE: No more questions.

20 THE COURT: All right. Ms. Williamson, you may step
21 down.

22 MS. HOGUE: And may she be released?

23 THE COURT: She may be released?

24 MS. BOOKER: Yes, Your Honor.

25 THE COURT: You may be released.

1 MS. HOGUE: Mary Logan.

2 COURTROOM DEPUTY: Do you solemnly swear that the
3 testimony you're about to give is the truth, the whole truth,
4 and nothing but the truth, so help you God?

5 THE WITNESS: I do.

6 COURTROOM DEPUTY: State and spell your name for the
7 record, please.

8 THE WITNESS: My name is Mary Street Logan, M-A-R-Y,
9 S-T-R-E-E-T, L-O-G-A-N.

10 MARY STREET LOGAN

11 Whereupon, witness having been duly sworn,
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MS. HOGUE:

15 Q Dr. Logan, what do you do for a living?

16 A Well, currently I'm retired. But prior to that I
17 was a cardiac anesthesiologist.

18 Q Now, I'm going to need you -- and I know you've got
19 a neck issue and we'll talk about that. But if you could pull
20 that microphone down a bit. Are you comfortable sitting up
21 like that?

22 A Yes. Can you hear me now?

23 Q So you are educated and trained in anesthesiology?

24 A Yes, ma'am.

25 Q So you are a physician?

1 A Yes.

2 Q Can you just briefly tell us your medical
3 background?

4 A I went to medical school at the University of
5 Alabama at Birmingham and won the Marion Sims award in
6 obstetrics and gynecology. I did an internship in pediatrics.
7 I then went into anesthesia and did a three-year residency in
8 anesthesia and was awarded an outstanding resident award and
9 from there I did a cardiac fellowship with Dr. Al Pacifico in
10 the cardiac department at UAB.

11 Q What year did you begin practicing anesthesiology?

12 A After I graduated? 1995.

13 Q You are not practicing now?

14 A No, ma'am.

15 Q Is that as a result of some medical issues?

16 A Yes. I have scoliosis that advanced rather suddenly
17 and pretty quickly over the last five years.

18 Q Do you have any treatment plan in place for that
19 right now?

20 A Yes, ma'am. I have two surgeries scheduled at UAB
21 with the chief of orthopedics.

22 Q Do you know Dr. Sachy?

23 A Yes, ma'am, I do.

24 Q How do you know him?

25 A Dr. Sachy took care of me when I first started

1 having problems with the scoliosis. I tried to avoid surgery
2 and it didn't work. And so he has treated me since that time.

3 Q About how long has he been treating you?

4 A Five years. Since 2012, I think.

5 Q Has he treated anyone else in your family?

6 A Yes. My husband was originally treated by a
7 physician in Atlanta. That office closed and he was referred
8 to Dr. Sachy who is also taking care of my husband, Paul,
9 since then.

10 Q Your husband did what for a living, ma'am?

11 A My husband was a Bibb County Deputy Sheriff and also
12 a professional horse trainer.

13 Q And just basically, generally, what was the
14 condition that Dr. Sachy was treating your husband for?

15 A My husband had surgery in 1999 by a surgeon licensed
16 by the Georgia Composite Board to do neurosurgery, that I
17 found out later had been fired from his residency. During the
18 course of that surgery he had an emotional breakdown, he was
19 throwing instruments, he closed a sponge in him.

20 Q I'm going to say this and I know that there is a lot
21 that you want to talk about but if you can just -- if you can
22 limit it, if you would, Doctor.

23 A Basically the surgery was a misadventure. The
24 surgeon didn't get to where he needed to be and as a result of
25 that he damaged the L-4/5 five nerve root ganglion on Paul's

1 right side.

2 Q And does your husband still suffer from the result
3 of that damage, that botched surgery?

4 A Yes, ma'am. The damage was done to the nerve root
5 ganglion and we've been told by everyone that we have ever
6 seen that it can only be treated with medication. That it can
7 never be repaired and there isn't surgical remedy for that.

8 Q So you've been to Dr. Sachy's office?

9 A Yes, ma'am.

10 Q And you've been to the reception area?

11 A Yes, ma'am.

12 Q And you've been back in the examination room?

13 A Yes, ma'am.

14 Q For yourself and for your husband?

15 A Yes, ma'am.

16 Q Do you also feel as if you have a professional
17 relationship with Dr. Sachy as well, in addition to being his
18 patient?

19 A To some extent, yes. We talk about medicine.

20 Q Did you at some point become aware, when you were a
21 patient, of the office using social media, Facebook
22 specifically, for any purposes related to patient
23 verification?

24 A Yes. It's been probably in the last year or last
25 six months. You know, we started hearing rumors and we asked

1 Dr. Sachy about it and he said at that time that he was
2 concerned because there had been patients that had presented
3 to his office with false credentials. They weren't who they
4 said they were.

5 Q And how did he explain to you that he was able to
6 determine that they were not who they said they were?

7 A Well, he said that on a Facebook page he saw a
8 different identity. I'm not sure how they got to that or who
9 found that, but it was clear that the person who presented was
10 not the person she represented herself to be.

11 Q And from your conversations with Dr. Sachy, and
12 perhaps others at the office, what did you understand they
13 used Facebook for when they had concerns?

14 A I think to verify identities and make sure the
15 patients weren't there under false pretenses.

16 Q Do you, as a physician, find that to be a good tool
17 for social media?

18 A I'm not vary savvy about social media. But I'm
19 feeling a little older. But, yeah, I mean anything --
20 especially in his line of work I think it's important to
21 verify the patients, that not only they are who they say they
22 are but that they actually have organic disease or problems
23 that they say they have.

24 Q Were you also aware of the use of cameras at
25 Dr. Sachy's clinic?

1 A Yes, ma'am.

2 Q How did you become aware of that?

3 A Well he told us about it and took our pictures.

4 Q Whose pictures?

5 A Dr. Sachy took the pictures of us when we went to
6 see him for a visit.

7 Q And when you say us, do you mean you and your
8 husband, Paul?

9 A Yes, and his mother.

10 Q Paul's mother was a patient as well?

11 A Yes, ma'am.

12 Q What did you understand the reason for photographing
13 you was?

14 A I thought it was important to document the patient's
15 condition, any changes that would happen over time.

16 Q Do you believe that to be a good diagnostic tool to
17 be able to capture an image of a patient and see changes?

18 A Absolutely. I mean, I think it's invaluable.

19 Q Did you ever become aware of the investigation
20 against Dr. Sachy?

21 A Yes, I heard it from a pharmacist. You know, we
22 were told at one point that he was under investigation, which
23 we didn't understand.

24 And so I actually called the DEA and asked if there was a
25 problem. And I spoke with a Mrs. Bagley who said that -- and

1 she assured me that there wasn't an issue and that the DEA did
2 not have the money or the resources to do the kind of things
3 that, you know, we had heard about.

4 Q Did you ever talk with Dr. Sachy about the
5 information you had discovered concerning an investigation?

6 A Yes.

7 Q But my question is, did you ever talk with him about
8 it?

9 A Yes.

10 Q And did he share with you what he understood was
11 going on as well?

12 A On a limited basis.

13 Q In discussing that with you, did you ever hear
14 Dr. Sachy make any threatening statements regarding the agents
15 that he had become aware were speaking to his patients and
16 speaking to pharmacists?

17 A No, no.

18 Q Did you ever hear him say, even jokingly, that what
19 he would like to do to get them to stop doing what they were
20 doing?

21 A Absolutely not.

22 Q Did you ever hear him suggest desiring to intimidate
23 them or harassing them because of what they were doing to
24 him?

25 A No, no.

1 Q Did you ever hear him make any comment about wanting
2 to harm the agents that were investigating him?

3 A Absolutely not. I can't imagine Dr. Sachy harming
4 anyone ever.

5 MS. HOGUE: I have no more questions.

6 CROSS EXAMINATION

7 BY MS. BOOKER:

8 Q Good afternoon, Dr. Logan. Can you hear me okay?

9 A Yes.

10 Q I'm sorry to hear about your medical conditions and
11 the fact that you had to retire because of that.

12 THE COURT: Ms. Booker, if you could stay close to
13 the microphone there.

14 MS. BOOKER: Okay. Can you hear me now? Is that
15 better?

16 BY MS. BOOKER:

17 Q I said I'm sorry to hear about your medical
18 condition, that you had to retire because of that.

19 You said that Dr. Sachy treated you since 2012 and also
20 treated your husband?

21 A Yes, ma'am.

22 Q When did he begin treating your husband?

23 A I can't really remember. It's probably been four or
24 five years ago.

25 Q Okay. So around 2013 or 2014 would be safe to

1 guesstimate?

2 A Yes, just a guess.

3 Q Yes, ma'am. Are you aware that your husband has had
4 conversations with Agent Morrow --

5 A Yes.

6 Q -- about this investigation? Are you aware that
7 your husband said that he never saw the need for a firearm
8 to be used in that clinic or to even be had in that clinic?

9 A No, I'm not aware of that.

10 Q Your husband is a Bibb County Sheriff's Officer and
11 is a respected law enforcement officer; is that correct?

12 A Yes, ma'am.

13 Q And has been for a number of years?

14 A Yes, ma'am. He's retired now.

15 Q Yes, ma'am. I didn't quite hear your testimony
16 about Bagley and having money or resources for DEA. Forgive
17 me, I was writing and trying to listen at the same time but I
18 don't always do that well.

19 What was your testimony as to that issue?

20 A My concern at the time when we were hearing rumors
21 that Dr. Sachy was under investigation I called the DEA and
22 the person I spoke with was a Mrs. Bagley in Atlanta. She
23 assured me at the time that the DEA did not do the things that
24 we were hearing, like storm into pharmacies dressed in SWAT
25 gear and this type of thing, that they had neither the money

1 nor the resources to conduct those kinds of raids or
2 investigations.

3 And my concern was that Paul would be left out in the
4 dark and if there was an issue I needed to know about it and,
5 in fact, that has happened.

6 Q So you called to personally intervene on behalf of
7 Dr. Sachy in relations to the investigation?

8 A No, ma'am. I'm trying to make sure that my husband
9 had the care that he needed and if there was an issue I wanted
10 to know about it.

11 MS. BOOKER: Okay. That's all that I have, Your
12 Honor.

13 MS. HOGUE: I have no more questions. Thank you.

14 THE COURT: Thank you, Dr. Logan. May she be
15 released?

16 MS. BOOKER: Yes, Your Honor.

17 MS. HOGUE: My final witness, Your Honor, Kirstin
18 Key.

19 COURTROOM DEPUTY: Do you solemnly swear that the
20 testimony you're about to give is the truth, the whole truth,
21 and nothing but the truth, so help you God?

22 THE WITNESS: I do.

23 COURTROOM DEPUTY: Please state and spell your name
24 for the record.

25 THE WITNESS: Yes. It's Kirstin K-I-R-S-T-I-N,

1 Jennifer J-E-N-N-I-F-E-R, K-E-Y.

2 KIRSTIN JENNIFER KEY

3 Whereupon, witness having been duly sworn,

4 testified as follows:

5 DIRECT EXAMINATION

6 BY MS. HOGUE:

7 Q Ms. Key, what do you do for a living?

8 A I am a paralegal.

9 Q Where?

10 A At Hogue, Hogue, Fitzgerald and Griffin.

11 Q Thank you. Did you have a chance to conduct a
12 search at my request?

13 A I did.

14 Q And what was that -- we're not going to be
15 talking -- we've already confirmed that this was not a paid
16 search engine for getting the information on this exhibit. So
17 we're not going to have to talk about that.

18 A Right.

19 Q But I want to talk about the thumbnail photograph --
20 the two photographs of homes that were on the government's
21 exhibit that you had an opportunity to see?

22 A Right.

23 Q Did you discover that there is a way to obtain
24 pictures of an individual's home out there in the public
25 domain?

1 A I did.

2 Q How do you do that?

3 A I went to the Bibb County Tax Assessor's office
4 website and just searched that way.

5 Q How do you search on the Bibb County Tax Assessor's
6 website? Let's assume you put in Bibb County Tax Assessor's
7 website, it comes up, and what do you put in?

8 A I believe -- let's see, I googled Bibb County Tax
9 Assessor, went to the website, and I believe I clicked on
10 property card. It gives you a place to search a name and I
11 typed it Hogue, Frank. And then there were several choices. I
12 clicked on Frank and Laura Hogue.

13 Q And I've shown the government a picture of what you
14 were able to do. Did anything come up at that point? I want
15 to show you this exhibit for demonstrative purposes. Did
16 anything come up when you did that?

17 A It did.

18 Q What came up?

19 A A picture of Frank and Laura Hogue's house.

20 Q And then if you turn -- does it have other
21 information about the home?

22 A It does. It has several pictures. It looks like
23 there's about eight to ten pictures of the inside of the home
24 and the outside.

25 Q I don't see anything of the inside of the home. Can

1 you look on the back page?

2 A I see -- oh, maybe that is the outside. I see a
3 kitchen and grill.

4 Q That's actually an outdoor grill.

5 A An outdoor grill. Okay. An outdoor grill, not the
6 inside.

7 Q That's why you thought that.

8 A Okay.

9 Q So those photographs -- and I will hand up to the
10 Court just for demonstrative purposes so that my home does not
11 become a matter of public record.

12 MR. HOGUE: It already is.

13 THE COURT: Yeah. I'll take judicial notice I've
14 been to your home before.

15 MS. HOGUE: All right.

16 BY MS. HOGUE:

17 Q So, Ms. Key, all you did was go to the tax
18 assessor's website and put in our last name and all of these
19 pictures showed up?

20 A Correct.

21 MS. HOGUE: I have nothing further.

22 MS. BOOKER: I have nothing. Nice to see you Ms.
23 Key in person and not on the phone.

24 THE WITNESS: Nice to see you.

25 THE COURT: Ms. Key, may she be released?

1 MS. BOOKER: Yes, Your Honor.

2 MS. HOGUE: Yes, please.

3 THE COURT: You are released.

4 MS. HOGUE: Your Honor, I want to now move to the
5 issue concerning financial resources in terms of setting the
6 stage here for just the presentation of the last portion of my
7 evidence.

8 The Court concluded -- and I'll use your sentence --
9 in an unrelated civil proceeding, civil contempt after -- let
10 me read it here. Defendant was held in civil contempt after
11 transferring substantial assets to a foreign jurisdiction in
12 an effort to evade court orders.

13 And in that same paragraph the Court concluded that
14 the government had presented evidence that defendant had
15 substantial financial resources, but pointed in that paragraph
16 to resources that were maintained in bank accounts that had
17 been identified and seized by the government.

18 So what I want to do, Your Honor, to orient us.
19 Your conclusion, respectfully, that Dr. Sachy was held in
20 contempt appears to come from page 26 of Officer Morrow's
21 testimony where he testified.

22 "From what I understand the money was
23 lost at some point and" -- this is
24 probably what the Court relied upon --
25 "the Judge instructed him to produce it

1 and he failed to produce it and he was
2 arrested."

3 And it all fairness this is what Officer Morrow
4 testified from his understanding. He wasn't there. He didn't
5 have the proceedings in front of him.

6 So I do now have the proceedings that I want to
7 present to the Court. So I want to mark as Defendant's
8 Exhibit -- where are we now?

9 MR. HOGUE: 7.

10 MS. HOGUE: 7. I have the transcript from the
11 motion for contempt and motion for attorney's fees held before
12 Judge William Prior in Jones County Superior Court on January
13 28, 2010. And I want to just point out a few sections. I've
14 provided the prosecutor with this transcript as well.

15 And I want to point out to the Court that on page 17
16 of this transcript, during the examination -- let me get mine
17 here. I can hand this one up to the Court. I tender this,
18 Your Honor.

19 MS. BOOKER: Haven't had a chance to read all 100
20 pages, Your Honor, or 99 pages, I don't know what I'm supposed
21 to do with this without having the chance to read through it.

22 MS. HOGUE: This is the situation that we, of
23 course, found ourself in, Your Honor.

24 MS. BOOKER: I don't think they had a hundred pages
25 of a transcript. It was pictures, that's quite different,

1 Your Honor.

2 THE COURT: Well, you know, this was something we
3 talked about at the hearing and so I will be interested to
4 hear more about it. I will let Ms. Hogue continue.

5 MS. HOGUE: In this hearing Dr. Sachy was
6 represented by an attorney named Mr. Jeffrey Barnes. And Kice
7 Stone was representing Dr. Sachy's ex-wife.

8 And on 17 of Mr. Stone on line 19, indicates that.

9 "Your lawyer has suggested to this
10 Court -- this is in cross examining Tom
11 Sachy -- "that you have sent money to
12 Canada and you have turned that money over
13 to an investor up there; is that right?"
14 And the answer is, "Correct."

15 And on page 19 Dr. Sachy confirms that Dr. Amery, a
16 Dr. Hussein Amery, was the investment -- line number 18 --

17 "Dr. Amery was the investment
18 advisor? To which Dr. Sachy responded,
19 "Yes."

20 And then on the next page he explains.

21 "I took it to Canada after
22 considering various investment that I
23 could make and given the unsettled and
24 unsafe nature of the banking institutions
25 here and what was going on."

1 Now I'll turn the Court's attention to page 28. And
2 the question of Dr. Sachy was:

3 "Why did you do that?" On line 11.

4 "Why did you do that?" And Dr. Sachy
5 responded, "Because I felt it was
6 absolutely unsafe at the time -- at that
7 time back -- back at that time, the news
8 about Bank of America was terrible. It
9 had lost 90 percent of its value -- its
10 stock value. American banks were
11 collapsing left and right. In 2009 -- in
12 early 2009 Georgia had the highest bank
13 failure rate of any state, and I have them
14 somewhere where I just looked it up the
15 other night, Forbes, Motley Fool, various
16 financial investment gurus were saying
17 that Bank of America was in trouble and it
18 was in danger."

19 On page 71 of the transcript, beginning at line 14,
20 Mr. Barnes called Hussein Amery from Calgary to confirm this
21 information. And on page -- Mr. Hussein Amery, on page 71,
22 line 14, is called as a witness. And on page 72 Mr. Amery is
23 asked on line 20:

24 "Did he entrust \$950,000? The answer
25 is, "Yes."

1 On line 25. "Prior to May of -- he's asked can you
2 tell us why?

3 "Prior to May of 2009 Tom was calling
4 me sporadically, telling me how concerned
5 he was about the financial situation in
6 America, and he wanted something --
7 thought that Canada was in better shape
8 and he wanted to explore investment
9 opportunities in Canada."

10 He then describes on line 5 of page 72, That he
11 brought up bank drafts:

12 "One for 500,000 and one for \$453,000
13 and some change."

14 On page 76, line 9, Mr. Hussein testifies that he
15 had paid -- on line 9 -- Paid the money to a Hermes Capital
16 Investment Corporation, an investment banker named Mike
17 Vlahovic of Calgary."

18 And then finally I'll -- most importantly -- the
19 fact is, Your Honor, the finding of contempt which begins on
20 page 98 of this transcript, line 21, is not for moving money.
21 It's simply for failing to pay the money that had been owed,
22 regardless of whether he still was appealing that finding that
23 he owed that much money to his ex-wife. So I will read
24 beginning line 21 of page 98. The court says:

25 "I find that he's in willful contempt

1 of this Court for failure to pay a Court
2 ordered Judgment in the amount of
3 \$930,000, plus interest at the legal rate,
4 and order him incarcerated until such time
5 as he may pay that judgment."

6 So I introduce that transcript to clarify and clear
7 up the record and to say this: That I believe the Court can
8 take judicial notice, with all due respect. An individual
9 cannot be held in contempt for doing something that he has
10 never been told that he could or could not do. In other
11 words, in the divorce proceeding Tom Sachy was never ordered
12 not to move money, not to invest money in certain locations
13 domestic or international. He simply was told, "You got to
14 pay this judgment" and when he didn't that's what resulted in
15 the contempt.

16 I also want to hand up to the Court -- on a search
17 done just today -- Defendant's Exhibit Number 8 which are
18 three articles concerning the financial market in the United
19 States of America in the beginning -- end of 2008 and
20 beginning of 2009. It should practically be an issue that the
21 Court can take notice of, but those articles certainly support
22 the discomfort that Dr. Sachy testified to in having in that
23 hearing.

24 But most importantly while we have cleared up why he
25 was held in contempt we now can satisfy the Court that the

1 availability of those funds, either domestically or
2 internationally, is no longer a concern.

3 I have to do a proffer with -- it's a little
4 unusual -- but because the Court can take proffers in this
5 sort of hearing I am now handing you -- which is what is going
6 to seem unusual, but I'm going to clear this up -- an unsigned
7 affidavit of Jeffrey Barnes. Jeffrey Barnes was Dr. Sachy's
8 attorney in that hearing. He was in trial and we were having
9 the hardest time -- let's remark this. We now have the signed
10 affidavit and let me renumber that then.

11 MS. BOOKER: This is 9?

12 MS. HOGUE: Yes. That will be 9.

13 So it is signed, Your Honor, but I see not notarized
14 and I will explain to the Court that we had a number of
15 communications with Mr. Barnes. It was a very old file and we
16 were able to get the documents that's attached as Exhibit 1 to
17 Defendant's Exhibit 9.

18 And my conversations, our offices conversations with
19 Mr. Barnes, he was -- he -- we sent him the proposed language
20 for the affidavit. He wanted to write it his way and he did.
21 He sent it back to us. We put it in affidavit format. We
22 e-mailed it to him and he is literally in trial right now.
23 And last night was when he had promised to try to find a
24 notary to get it notarized, but apparently did not and sent it
25 to us while I was in this hearing -- his office sent it

1 signed.

2 It does, in fact, represent -- and I state in my
3 place -- represent what he swears to about this transaction.
4 And the nature of this, Your Honor, is that Mr. Barnes is
5 confirming the letter of February 3, 2010 attached from the
6 Bank of North Georgia telling Mr. Barnes that they had
7 received, for deposit, a certified check in the amount of
8 \$800,000 written on a -- it's drawn on Canada Trust. It came
9 back from Canada. They have to hold the funds before they can
10 put them in the IOLTA trust account before he can then be able
11 to purge Dr. Sachy of the contempt. And that is what he
12 swears to in this affidavit, Defendant's Exhibit Number 9.

13 And then, Your Honor, to round all of this out. I
14 will point out that the bank letter is dated February 3rd,
15 2010 following the contempt order and proceeding on January
16 28th of 2010.

17 And then we see in what I've marked as Defendant's
18 Exhibit Number 10 the consent order from Judge Prior
19 confirming the receipt of what totaled, Your Honor,
20 \$1,004,804.70 which was the amount that he owed in the
21 original judgment plus all of the interest. And on that day
22 of this consent order confirming the receipt of those funds
23 from Mr. Barnes' trust account to Mr. Stone's trust account to
24 pay off Dr. Sims is dated March 25th, 2010. Which means,
25 Your Honor, that the money went to Canada, just as he

1 testified, because of his concern about the market here in the
2 state. The money was returned from Canada to his attorney Mr.
3 Barnes and that money was the money used to purge him -- and
4 more -- to purge him of this contempt. All of this happening
5 over eight years ago and that money is now cleared it up of an
6 issue, I would hope, in the Court's mind.

7 Now, we have one more proffer before we rest our
8 evidence. Let me say this, I've tendered these. Have they
9 been admitted?

10 MS. BOOKER: Your Honor, 7, which is the 99 page
11 transcript -- I think Your Honor already addressed that, but
12 again, have not had a chance to read or look at this which is
13 --

14 THE COURT: Let's take a break for about five or ten
15 minutes and let the CSO's deal with this noise on the roof.

16 CSO OFFICER: All rise.

17 (RECESS)

18 CSO OFFICER: All rise. This Honorable Court is
19 again in session.

20 THE COURT: We're back and quiet.

21 MS. HOGUE: I know that I tendered 7, 8, 9 and 10
22 and now I would like to have them admitted.

23 MS. BOOKER: Your Honor, I've stated about the 99
24 pages we just received of 7 and haven't had a chance to read
25 through that. Your Honor has already heard me on that.

1 8 is 17 pages of three different online articles I
2 believe that the Court -- I have no objection to the Court
3 taking judicial notice that 2008 was a bad year financially.
4 I think everyone in the country knows that. Not having read
5 through these 17 pages I'm not sure what's in them. So I
6 would just refer the Court take judicial notice that 2008 was
7 a bad year financially.

8 As to Exhibit 9, the affidavit of Jeffrey Barnes.
9 It is not notarized, but it's signed and I take defense
10 counsel's word that this would have been notarized were he not
11 in trial. So, I have no objection to that.

12 Same with 10, I have no objection to the consent
13 order, although I just got it and have briefly read through it
14 and I don't see any issue with 10.

15 THE COURT: Well, those exhibits will all be
16 admitted.

17 (Defendant's Exhibit 7, 8, 9 & 10
18 admitted)

19 MR. HOGUE: Your Honor, the final piece of defense
20 evidence I will give to the Court by proffer.

21 I know the Court is aware of various combinations of
22 conditions that can be imposed on a defendant who is released
23 pretrial. One of these conditions is electronic monitoring
24 and I have spoken to a US Probation Officer, Donnie Allen, who
25 is here in the courtroom, to confirm -- first to find out how

1 it's done and to confirm it. I know the Court is familiar
2 with it, but I want the record to be perfected on this point.

3 The proffer is that Dr. Sachy can be fixed with a
4 monitor. There are two types. There is the homing device
5 type that has a radius from within his home and perhaps it
6 extends -- I don't know how big the radius is -- but outside
7 the home into the yard. And if he was to go outside of that
8 radius this electronic system would notify whoever is
9 monitoring it that he has gone outside those boundaries.

10 The other type is a GPS monitor where again he is
11 affixed with a device that sends a signal, and a monitor that
12 a computer can see in realtime where he is. Perhaps by means
13 of a dot on a map on a computer screen you can actually track
14 the movements.

15 I will state that I have had several clients placed
16 on GPS monitoring and those who monitor my clients in those
17 situations have been able to say with specificity where they
18 are at what time of the day. And, of course, their movements
19 are monitored and permission is sought for those defendants to
20 move about.

21 So I state that those are facts that had I called
22 Officer Allen he could have testified to that. One of his
23 colleagues, Tony Elder, is the one primarily who conducts that
24 monitoring, but that is a condition that can be imposed.

25 MS. HOGUE: That concludes our evidence, Your Honor

1 I have a little argument.

2 THE COURT: Does the government have any evidence to
3 present?

4 MS. BOOKER: No additional evidence to put on as far
5 as testimony, Your Honor.

6 But I will state that the other officer whose
7 personal information was found on Dr. Sachy's hard drive is
8 present, along with Officer Ken Morrow.

9 I will proffer the fact that the DEA has had to pay
10 for some surveillance measures at their personal homes because
11 of this information that was found on Dr. Sachy's hard drive
12 and I would ask the Court to take that into consideration, as
13 well as all of the other evidence that I admitted from his
14 hard drive.

15 THE COURT: Ms. Hogue, let me hear your argument.

16 MS. HOGUE: Thank you, Your Honor.

17 I ask the Court, in reviewing all of the evidence
18 that we have presented today, to also keep it mind Exhibits 1
19 through 10 that were presented at the first motion hearing.
20 And that is this, Your Honor, we have a 54-year old physician
21 who is just a little shy of four and a half months post back
22 surgery. A back surgery obviously being a situation that is
23 not amenable to the harsh conditions in a jail setting.

24 But most of those exhibits from the first hearing
25 went to Dr. Sachy's medical background. You don't become a

1 doctor overnight. You don't become a doctor for any reason
2 other than the desire to help people. And Dr. Sachy worked
3 for years and years through undergrad, graduate school,
4 medical school and additional specialization through
5 internships and residencies in order to be the best physician
6 that he could be. But most significantly what that represents
7 is that he is a responsible, law abiding, industrious,
8 individual who can follow all the rules and regulations not
9 only of a complex and complicated field of study, but to
10 follow all the rules and regulations imposed on him by the
11 medical board and any other specific practice areas that he's
12 been involved in.

13 The Court -- we ask to keep in mind, the charges
14 that we are addressing here with respect to bail. This is a
15 case that will come down to a clash of experts. This is not a
16 situation where Dr. Sachy is being charged with a violent
17 crime and then the government is presenting evidence of
18 further alleged violent acts that help the Court get over the
19 hump, which is the presumption of bond.

20 This is a case where a medical practitioner for whom
21 scores of people came to get treatment and I expect and can
22 state for you that there are plenty of patients who are
23 reaching out to the defense side in angst over the loss of his
24 treatment, his care, his empathy, his creativity and his
25 energy in their treatment.

1 So what it's going to come down to, Your Honor, is
2 one set of experts saying this combination of medication and
3 these dosages is too much and another set of experts, I
4 expect, saying we disagree. And the jury will have to decide
5 if that disagreement rises to the level of a crime.

6 Another important factor that goes towards the
7 question of bond is how long would this detention order
8 require Dr. Sachy to stay in custody? This will, no doubt, be
9 declared a complex case. I have been involved in no pain
10 management clinic cases that were not declared complex, and
11 that has necessarily meant for us delays of 18 to 24 months
12 before trial -- as much as that amount of time. And there is
13 no way to slice it other than saying Dr. Sachy will be
14 punished for two years until he gets his day in court.

15 There was no evidence, Your Honor, that Dr. Sachy
16 has done one thing to act in a way that the government is
17 asking you to infer, he intended to act as a result of
18 collecting those photographs. There are numerous things that
19 any individual could have done to harass, intimidate, harm,
20 frighten, make somebody squeamish, if he had chosen to do
21 that. And there was all sorts of things that we can each --
22 we can each come up with a laundry list of things that
23 Dr. Sachy could have done in all the months he knew that the
24 DEA was speaking poorly about him to pharmacists and
25 contacting his patients and calling him a quack. But he did

1 no such thing, Your Honor, in all of those months, except get
2 a lawyer to write to these individuals to say, I want you to
3 come here and talk to me. I want us to discuss this. I want
4 to be able to tell you why I prescribed the way I prescribed
5 and I want to hear what you have to say in a legitimate,
6 reasonable, rationale way. Not calling me names, but hear
7 what you have to say. But despite that angst, he did nothing
8 but gather these photographs that are available on any public
9 source. I could do it right now in this courtroom.

10 As a result of that, Your Honor, because the
11 witnesses who testified today, who were familiar with his
12 gathering of these photographs, were able to tell you that in
13 no way, shape or form did Dr. Sachy even hint at what he could
14 do to get at these guys who were getting to him.

15 He was using them as a tool to see who was looking
16 at him and who was talking so poorly about him to these
17 patients and to these pharmacists.

18 It was, as well as we heard one of the witnesses
19 say, it was exactly as we put in the motion for
20 reconsideration. He was incredulous that these crack
21 investigators had this information so readily available to him
22 on public record sites with the click of a button. But had
23 he gathered that information for anything other than curiosity
24 and the ability to be incredulous we would know about it, Your
25 Honor. We had plenty of time to have known about it.

1 I respect the agents discomfort over finding that.
2 They found it though because they conducted a search and they
3 went into his private stuff. Had that not happened or if he
4 wanted them to know, "Hey, look what I've got on you" he would
5 have disseminated that to them in some show of force, in some
6 show of intimidation or harassment, but he did no such thing.

7 I submit to you, Your Honor, that there are no
8 financial resources out there for him to be a flight risk. We
9 now know where it went and how it came back and where it all
10 is. And that the government has seized and frozen the
11 remainder of his accounts.

12 So I ask the Court to comply with 3142 by finding
13 that there is a condition or combination of conditions that
14 will assure this Court and this community and these officers
15 that Dr. Sachy will pose no risk to any witnesses in this case
16 and he will be here in court whenever he is asked to be. And
17 those conditions and combinations of conditions are ones that
18 we proffer to you, Your Honor.

19 You can place a limitation on his movement. The
20 officers, as you see in these exhibits, do not live in this
21 area. They live in the Fayetteville area as proffered by the
22 government in the profiles that were tendered by the
23 government.

24 Dr. Sachy lives Jones County. His lawyers work in
25 Bibb County. You can limit his travel to those two counties

1 and these two folks will never cross paths. And you can
2 assure those limitations by use of a GPS monitoring system, an
3 electronic monitor that monitors his whereabouts.

4 And, in addition, if you wish to limit his ability
5 to have anything to do with patients any further all the Court
6 needs to do is to order that and Dr. Sachy will not practice
7 medicine during the pendency of this case.

8 That, Your Honor, I submit is a way of complying
9 with our presumption that Dr. Sachy is innocent and he gets
10 the right to not live in confinement and be imprisoned while
11 we get to the place where we're able to argue that before a
12 jury. Thank you.

13 MS. BOOKER: Your Honor, I'll renew my position that
14 was stated at the beginning of this hearing and at the end of
15 the last hearing: That there are no conditions that would
16 assure the safety of the community and that Dr. Sachy would
17 not be a flight risk. As Mr. Peeler said in the last hearing
18 there is absolutely no room for error in regards to this case.

19 I would like to point out a few things that have to
20 deal with Dr. Sachy's financial resources. If, Your Honor,
21 will recall Agent Morrow said that they found 12 separate
22 accounts. Ms. Hogue just spoke about the fact that all of
23 those were seized and are frozen and he no longer has access
24 to those accounts, pending the outcome of the case. However,
25 Agent Morrow also testified at the original hearing they are

1 not sure if they found all of the money. We even tendered an
2 exhibit where he said he had a letter written out where he
3 said, "Do not tell him about X. X. X. account. Whatever you
4 do, do not tell about this account." That's evidence that he
5 was planning for a day such as this and to have access to
6 money if and when law enforcement seized those assets.

7 In regards to the civil contempt order on page 98 of
8 Defendant's Exhibit 7, Judge Prior did say that he finds that
9 Dr. Sachy is in willful contempt of this Court for failure to
10 pay a court order.

11 But what Ms. Hogue failed to mention was that
12 beginning on page 7, the reasoning behind that finding. Judge
13 Prior states, page 98, line 7.

14 "It is absolutely incredible to me
15 that this -- that Dr. Sachy is a medical
16 doctor, highly educated, doesn't know
17 where nine hundred and forty-three or
18 fifty-three thousand dollars is. That's
19 incredible to me. It's incredible to me
20 that a man that's earning -- grossing
21 \$450,000 or thereabouts a year can't keep
22 up with what's going in and coming out.
23 It's incredible to me that he hasn't made
24 any effort -- any effort whatsoever to
25 comply with a Judgment of this Court that

1 is now thirteen months old. I have bent
2 over backwards to be fair and patient with
3 Dr. Sachy. I am now out of patience."

4 And that is the end of the quote and you go on to
5 line 20. Dr. Sachy had 13 months to comply with the Court
6 order. He failed to do so. Defendant's Exhibits 9 and 10
7 simply show that after the Court order was entered, after he
8 was held in contempt, after he had 13 months to abide by a
9 Judge's ruling, he decided within the span of two months that
10 he knew where that money was and where to get it and how to
11 transfer it over.

12 This does nothing to militate against the
13 government's argument that he is a flight risk, he will not
14 obey the Court's orders and that there are no conditions that
15 will reasonably assure the safety of the community.

16 Your Honor, a lot has been made about the violent
17 depictions that were found on Dr. Sachy's hard drive and the
18 fact that he isn't necessarily charged with a violent crime,
19 but I would argue against that, Your Honor.

20 This is a rebuttable presumption case. In Counts II
21 and III of the indictment charge Dr. Sachy with the unlawful
22 distribution and dispensation of controlled substances that
23 resulted in death or serious bodily injury of two patients.

24 And I would note for the Court that the family
25 members of those deceased patients, that we allege Dr. Sachy

1 killed with his unlawful prescribing habits, are present in
2 the court today.

3 The length of detention should not be a factor today
4 at his initial detention hearing, or the continuation of his
5 initial detention hearing. That again, just like the rest of
6 this evidence that we have brought today, should be a
7 consideration at a further date for the district court.

8 There is an avenue and a remedy for if this case
9 drags on too long and we are unfairly prejudicing Dr. Sachy by
10 keeping him in custody for 18 months to two years, as the
11 defense deposits, that they can make a motion and argue before
12 Your Honor or the District Court that he should be let out
13 because this process is dragging too long. We are not there
14 today, Your Honor. This is the beginning of the case.

15 There is also insinuations that the DEA, who is
16 charged with investigating distribution of controlled
17 substances including the pharmacies and doctors who are
18 lawfully allowed to prescribed and hand out those controlled
19 substances, were running around calling Dr. Sachy a quack.
20 None of that was ever testified to or brought out in any of
21 the proceedings, whether it was today or at the July 2nd
22 hearing. And so I don't think that Your Honor should take
23 that into consideration.

24 I also point to page 27 of the transcript of Agent
25 Morrow's testimony, from the first hearing, about whether or

1 not Dr. Sachy took any aggressive actions toward the
2 investigating agents.

3 I asked Agent Morrow about letters that were sent to
4 him and what, if anything, those letters said. Ken Morrow
5 said they were basically threatening us or me to stop the
6 investigation or alter the investigation or they are going to
7 come after us legally. One of the letters called us jack
8 booted storm troopers. That does not sound like an invitation
9 to sit down. That does not sound like an invitation for the
10 DEA agents to come by and talk with Dr. Sachy about what he's
11 doing wrong.

12 Dr. Sachy was telling them exactly what to do in
13 terms of their investigation. To shove it. To stop it or
14 else I'm going to come after you in court. I know you're
15 doing your jobs. I know that DEA is mandated to do this, to
16 check in with pharmacies annually, to check in on your
17 prescribing habits. But, no, you guys are jack booted storm
18 troopers or better yet thugs as I have labeled you in my
19 private hard drive.

20 The photos that were found on Dr. Sachy's hard
21 drive -- so what if they are available on Facebook or by some
22 free public access site. It's one thing to go look at public
23 information, it's a separate thing to look at that
24 information -- let's back up. Let's think about all the steps
25 that Dr. Sachy had to go through to get this on his hard

1 drive. He had to become made aware of the investigating
2 agents. He had to decide to go search for information on
3 these agents. He had to decide to go outside of the agents
4 and look for information on their families, their wives,
5 children and grandchildren, their personal homes -- not their
6 place of business where he sent those letters. And after he
7 found that information he had to decide, you know what, I'm
8 going to save this. I'm going to download it and I'm going to
9 secure it on my personal hard drive. This information wasn't
10 found in an Internet browser cache. It wasn't leftover
11 material from innocent or benign browsing. This was
12 intentional. He named those files thugs. He named these
13 people's wives and family members. He had the full name of
14 Agent Vickery's wife. He had the full name and contact
15 information of Ken Morrow's wife. They are not investigating
16 this case. He had five pages, as Government's Exhibit 5
17 shows, of children who have absolutely nothing to do with the
18 investigation of this case and whether or not Dr. Sachy had a
19 benign reason for having these. There's no logical or
20 reasonable explanation for him having these in relation to
21 just being curious about who was investigating him.

22 Let's be serious, Your Honor. There is no room for
23 error in this case and nothing that the defense has presented
24 today or on July 2nd should cause Your Honor to reconsider
25 the sound decision that you made on July 2nd that Dr. Sachy

1 is a danger to the community, specifically to the agents that
2 are investigating this case and to others, including the
3 patients that we allege that he has caused to become addicted
4 and/or die, and that there are no conditions that will
5 reasonably assure the safety of the community. And I beg Your
6 Honor to uphold your ruling and allow Dr. Sachy to remain in
7 confinement until the trial of this case.

8 THE COURT: Ms. Hogue?

9 MS. HOGUE: Briefly, Your Honor.

10 We need to be clear about trying to characterize the
11 letter that a former lawyer, Johnny Pannell wrote to --
12 directly to this Agent at his workplace in November of 2017.

13 And I point to the transcript of Officer Morrow's
14 testimony, page 38, beginning on line 17, during the cross
15 examination where Officer Morrow acknowledged: Yes, these
16 were letters that came from his lawyer Johnny Pannell.

17 And Mr. Hogue asked Officer Morrow, You characterize
18 these letters as threatening, but then you qualified that to
19 say threatening civil action. They were not threatening any
20 violence against you, were they? And the answer was, "No, not
21 specifically."

22 So then Mr. Hogue went into the letters. And
23 beginning on page 39, line 11, he read what Mr. Pannell wrote
24 on behalf of Dr. Sachy.

25 "And Dr. Sachy maintains good medical

1 records, and he documents everything that
2 he believes is relevant. As such it was
3 offered for your agency to come to his
4 practice and/or request any documents for
5 you and your agency to review. However, I
6 received no reply whatsoever from anyone
7 in regard to my letter."

8 Officer Morrow acknowledged, yes, that sounds
9 familiar. And Mr. Hogue asked:

10 "You didn't go over there, did you?"

11 And Officer Morrow said, "No, we do not."

12 "That's not how you work?"

13 "During a criminal investigation, no, sir,
14 that's not how we work."

15 That is the sum and substance of the contact from
16 Dr. Sachy's lawyer at the time and any characterization that
17 lawyer may have made is that lawyer's alone to Officer Morrow
18 in a letter addressed to his office.

19 THE COURT: Well, I convened this hearing over the
20 government's objection, as we discussed earlier, primarily
21 because I always like to have more information rather than
22 less. So I definitely was willing to get as much information
23 about this issue as I could. And we did flesh things out a
24 lot here today although honestly most everything that I heard
25 today really was more or less an expansion or a more formal

1 presentation of information that was already -- that we
2 discussed in the previous hearing.

3 I tried to take careful notes whenever I picked up
4 on something that was new and the primary things that I picked
5 up on that were new here today were particularly some of the
6 pictures of the office, which expanded a little bit on Agent
7 Morrow's testimony about -- the one picture in particular, the
8 picture of the reception area, to give me a visual
9 representation of the testimony that I heard.

10 The testimony from Agent Morrow that the identifying
11 information that was found on the hard drive was -- actually
12 seems to have been located from an open-source, not a paid
13 service. That is from a people finder rather than Spokeo
14 service.

15 Of course, I got these pictures that were not
16 admitted into evidence from the hard drive, particularly the
17 pictures of those little children that were identified as
18 Agent Vickery's grandchildren.

19 Of course the gruesome pictures -- I really don't
20 want to make a huge issue out of that. They are what they
21 are. I don't like looking at that kind of stuff, but I'm not
22 particularly drawing any inferences from that. A lot of
23 people are interested in gross stuff like that in this
24 country.

25 And then finally the more specific information about

1 the contempt order in 2010. Again, doesn't really -- nothing
2 changes that except a little more detail. I thought it is
3 interesting to get the timeline a little more straight.

4 My understanding from looking through that document
5 and skimming some of the testimony that Judge George in Jones
6 County entered an order, a judgment, in the about \$935,000 in
7 December of 2008. It was in May of 2009 that Dr. Sachy had
8 the sudden -- that was a bad time, I remember losing a lot of
9 money -- well, things were turning around by May, but March
10 was the bottom. But I know it was a bad time, but here we are
11 a few months later, he decides that Canadian banks are safer
12 and he has \$943,000 to send to those banks, not even to a
13 bank, to some Hermes Capital Investment Company with
14 Dr. Amery. That doesn't change my understanding of that
15 situation at all.

16 And, of course, I made fairly detailed remarks when
17 we were here previously outlining the reasons for my decision
18 and discussing all of those issues. I don't see anything here
19 today that changes the analysis that I entered into the record
20 at that hearing and, therefore, I don't see any reason to
21 reconsider the decision that I have made.

22 So I am going to deny the motion for reconsideration
23 and the order of detention that I have already entered will
24 still be in effect.

25 I'm not going to enter -- well, I may do a brief

1 written order just to get that off the docket. I think what
2 I've already got on the record I just don't want to restate
3 what I have already stated. I was careful to state that in as
4 much detail as I could so that you all would have a record and
5 now we have a more expanded record if you want to take it to
6 the next level.

7 So that will be the order of the Court. Are there
8 any other matters we need to discuss here today?

9 MS. BOOKER: Not at this time from the government,
10 Your Honor.

11 MS. HOGUE: Nothing from the defense, Your Honor.

12 THE COURT: Y'all may -- before you leave, the
13 attorneys may want to confer with the courtroom deputy and
14 make sure all the proper exhibits are in the right place. I
15 do want to make sure that the redacted copies of those more
16 sensitive exhibits are the ones that are entered into the
17 record. The unredacted copies I would prefer for the lawyers
18 to keep.

19 MS. BOOKER: Yes, Your Honor.

20 THE COURT: Without those going into the record.
21 All right. We'll be adjourned for the day.

22 CSO OFFICER: All rise. Court is adjourned.

23

24 (Proceedings concluded at 12:16 p.m.)

25 END OF RECORD

1 CERTIFICATE OF OFFICIAL REPORTER

2
3 I, Tammy W. DiRocco, Federal Official Court Reporter,
4 in and for the United States District Court for the Middle
5 District of Georgia, do hereby certify that pursuant to
6 Section 753, Title 28, United States Code, that the foregoing
7 is a true and correct transcript of the stenographically
8 reported proceedings held in the above-entitled matter and
9 that the transcript page format is in conformance with the
10 regulations of the Judicial Conference of the United States.

11
12 Dated this 23rd day of August, 2018

13
14 *Tammy W. DiRocco*

15 _____
16 Tammy W. DiRocco CCR
17 Federal Official Court Reporter
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